

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15549 of D.R. Madden, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish a parking lot in an R-4 District at premises 704 17th Street, N.E. (Square 4510, Lot 826).

HEARING DATE: January 15, 1992
DECISION DATES: February 5, and March 4, 1992

DISPOSITION: The Board DENIED the application by a vote of 4-1 (Angel F. Clarens, Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to deny; John G. Parsons opposed to the motion).

FINAL DATE OF ORDER: January 6, 1993

RECONSIDERATION ORDER

The Board denied the application by its order dated January 6, 1993. By letter dated January 14, 1993, D.R. Madden, the applicant, filed a timely motion for reconsideration of the Board's decision in this case.

In support of the motion for reconsideration, the applicant stated the following:

- a. The report submitted by the Office of Planning supports the position that there are no real dangerous or other objectionable traffic conditions.
- b. The applicant made a visual survey of the corner of 17th and Gale Streets and noticed that traffic tends to be slow in the vicinity of the subject property mainly because of the traffic lights. The maximum speed is ten miles per hour. One must make a right hand turn into the alley. Furthermore, because 17th Street is a one way street, the slower traffic tends to stay to the right.
- c. To establish a parking lot at the site would improve the appearance and security of the neighborhood. Of the three corner lots adjacent to his property, his lot is the only unimproved lot. Approving the special exception will have a direct effect on improving the present character of the neighborhood. Also, new development could take place around his lot.

- d. The Board appears to generally agree that the proposed parking lot will reduce the impact caused by the overspill of cars parking on neighborhood streets. The proposed parking lot would offer six of the nine parking spaces for use by the nearby medical center as auxiliary parking on a first-come, first-served basis, or by permit during normal working hours - 9:30 a.m. to 4:30 p.m. Also, three of the nine spaces will be provided for short term parking on a first-come, first-served basis or by permit during non-business hours.
- e. The owner of the Greater Northeast Medical Center opposed the application as a vindictive measure because the applicant refused to sell the subject lot to her. Her opposition constitutes a conflict of interest.

There was no response to the motion for reconsideration.

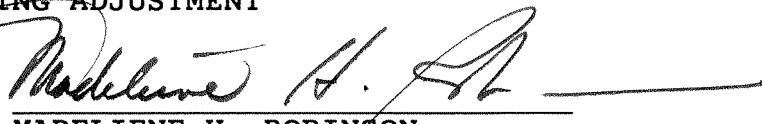
Upon consideration of the motion, the record in the case, and its final order, the Board concludes that it made no error in deciding the application. The Board concludes that the motion raises no materially different issues and provide no evidence of a substantive nature that the Board has not previously considered and addressed in its final order. The Board's decision was based on consideration of all the evidence presented by both the applicant and the opposition. The fact that the Board and the applicant came to different conclusions does not make the judgment of the Board arbitrary, capricious or unlawful. Accordingly the motion for reconsideration is hereby DENIED.

DECISION DATE: February 3, 1993

VOTE: 5-0 (Sheri M. Pruitt, Angel F. Clarens, Paula L. Jewell, Carrie L. Thornhill and John G. Parsons to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: APR 2 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15549Order/bhs

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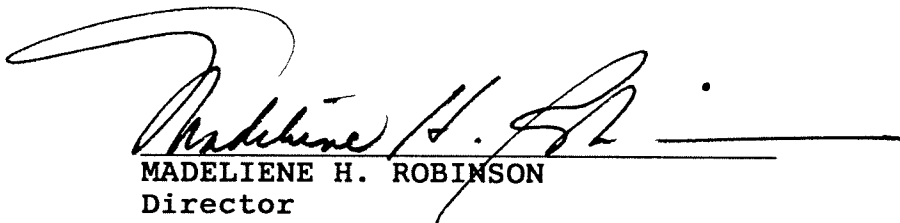


BZA APPLICATION NO. 15549

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 2 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

D.R. Madden
243 K Street, N.E.
Washington, D.C. 20002

Herbert Harris, Jr., Chairperson
Advisory Neighborhood Commission 6A
1341 Maryland Avenue, N.E.
Washington, D.C. 20002


MADELIENE H. ROBINSON
Director

DATE: APR 2 1993

15549Att/bhs